

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2651

Introduced by Assembly Member Jones

February 24, 2006

An act to amend Sections 124116.5, 124118, and 124119 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL’S DIGEST

AB 2651, as amended, Jones. Newborns: hearing screening.

The existing Newborn and Infant Hearing Screening, Tracking, and Intervention Act; requires that every California Children’s Services (CCS)-approved general acute care hospital with licensed perinatal services offer all parents of a newborn, upon birth admission, a hearing screening test for the identification of hearing loss, using protocols approved by the State Department of Health Services or its designee.

This bill would, instead, require that this hearing screening be offered, *on and after January 1, 2008, to every newborn, except as provided*, by every ~~birthing center or clinic or~~ general acute care hospital with licensed perinatal services, and would make related changes to the program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 124116.5 of the Health and Safety Code
- 2 is amended to read:

1 124116.5. (a) (1) Every ~~birthing center or clinic or~~ general
2 acute care hospital with licensed perinatal services in this state
3 ~~shall offer all parents of a~~, *on and after January 1, 2008,*
4 *administer to every* newborn, upon birth admission, a hearing
5 screening test for the identification of hearing loss, using
6 protocols approved by the department or its designee.

7 (2) In order to meet the department's certification criteria, a
8 ~~birthing center or clinic or~~ hospital shall be responsible for
9 developing a screening program that provides competent hearing
10 screening, utilizes appropriate staff and equipment for
11 administering the testing, completes the testing prior to the
12 newborn's discharge from a newborn nursery unit, refers infants
13 with abnormal screening results, maintains and reports data as
14 required by the department, and provides physician and
15 family-parent education.

16 (b) A hearing screening test provided for pursuant to
17 subdivision (a) shall be performed by a licensed physician,
18 licensed registered nurse, licensed audiologist, or an
19 appropriately trained individual who is supervised in the
20 performance of the test by a licensed health care professional.

21 (c) *Every general acute care hospital that has licensed*
22 *perinatal services that provides care in less than 100 births*
23 *annually may, in lieu of providing a hearing screening test, refer*
24 *newborns to a nearby hospital that does provide the hearing*
25 *screening test.*

26 (d) *This section shall not apply to any newborn whose parent*
27 *or guardian objects to the test on the grounds that the test is in*
28 *violation of his or her religious beliefs or practices.*

29 SEC. 2. Section 124118 of the Health and Safety Code is
30 amended to read:

31 124118. The department or its designee shall provide every
32 birthing center, or clinic, acute care hospital that has licensed
33 perinatal services, or neonatal intensive care unit (NICU), as
34 specified in Section 123975, written information on the current
35 and most effective means available to screen the hearing of
36 newborns and infants, and shall provide technical assistance and
37 consultation to these hospitals in developing a system of
38 screening each newborn and infant receiving care at the facility.
39 The information shall also include the mechanism for referral of
40 newborns and infants with abnormal test results.

1 SEC. 3. Section 124119 of the Health and Safety Code is
2 amended to read:

3 124119. (a) The department shall develop and implement a
4 reporting and tracking system for newborns and infants tested for
5 hearing loss.

6 (b) The system shall provide the department with information
7 and data to effectively plan, establish, monitor, and evaluate the
8 Newborn and Infant Hearing Screening, Tracking and
9 Intervention Program, including the screening and followup
10 components, as well as the comprehensive system of services for
11 newborns and infants who are deaf or hard-of-hearing and their
12 families.

13 (c) Every birthing center or clinic or acute care hospital with
14 licensed perinatal services, or NICU in this state shall report to
15 the department or the department's designee information as
16 specified by the department to be included in the department's
17 reporting and tracking system.

18 (d) All providers of audiological follow up and diagnostic
19 services provided under this article shall report to the department
20 or the department's designee information as specified by the
21 department to be included in the department's reporting and
22 tracking system.

23 (e) The information compiled and maintained in the tracking
24 system shall be kept confidential in accordance with Chapter 5
25 (commencing with Section 10850) of Part 1 of Division 9 of the
26 Welfare and Institutions Code, the Information Practices Act of
27 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of
28 Part 4 of Division 3 of the Civil Code), and the applicable
29 requirements and provisions of Part C of the federal Individuals
30 with Disabilities Education Act (20 U.S.C. Sec. 1475 et seq.).

31 (f) Data collected by the tracking system obtained directly
32 from the medical records of the newborn or infant shall be for the
33 confidential use of the department and for the persons or public
34 or private entities that the department determines are necessary to
35 carry out the intent of the reporting and tracking system.

36 (g) A health facility, clinical laboratory, audiologist,
37 physician, registered nurse, or any other officer or employee of a
38 health facility or laboratory or employee of an audiologist or
39 physician, shall not be criminally or civilly liable for furnishing

- 1 information to the department or its designee pursuant to the
- 2 requirements of this section.

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